HON'BLE THE CHIEF JUSTICE SRI G.S. SINGHVI

AND

HON'BLE SRI JUSTICE G. BHAVANI PRASAD

Writ Petition No. 1240 of 2004

Between:

Gogireddy Pratapa Reddy

…Petitioner.

And

The District Collector,

Guntur, Guntur District and others.

… Respondents.

:: ORDER::

Counsel for the petitioner : Sri V. Mallik

Counsel for the respondents 1 to 3: G.P. for Home

Counsel for respondent No.4 : Sri P. Veera Reddy

February 1, 2006

Per G.S. Singhvi, CJ.

The petitioner has invoked jurisdiction of this Court under Article 226 of the Constitution of India for issuance of a writ in the nature of mandamus directing the official respondents to enforce the provisions of Prevention of Cruelty to Animals Act, 1960 (for short, 'the Act') and the Rules framed thereunder. He has averred that even though the provisions contained in Chapter V of the Act imposes a complete ban on all types of cruelty to the animals, the concerned authorities of the Government have failed to enforce the same. The petitioner has made particular reference to ox races being organized in Rentachintala village and mandal and averred that the same is clearly violative of the provisions of the Act.

While admitting the writ petition and issuing notice in WPMP No. 1614 of 2004, this Court passed the following order.

> "We are informed that on 12.4.2001 an interim order was passed in WPMP No. 8697 of 2001 in W.P. No. 6853 of 2001 stating "Having regard to the decision of this Court in W.P. No. 4414 of 1987 dated 5.12.1989 wherein it was held that conduct of ox-races amounts to cruelty to animals, prohibited under Prevention of Cruelty to Animals Act 1960, let there be an interim order directing the respondents not to permit such races and competitions in Kotappakonda village in Guntur District and also in Krishna, Prakasam and Kurnool and all other districts in the State of A.P", and despite the fact that on 16.1.2004 a letter was addressed to District Collector, Guntur, and Superintendent of Police, Guntur not to permit conduct of ox-races scheduled from 28.1.2004 to 3.2.2004 (State Level ox-races during "Kanukamatha" jathara festival in Rentachintala village, Guntur District) where prizes have also been offered, no steps have been taken by respondents. Accordingly the writ petition has been filed as "public interest litigation".
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> In view of the aforementioned interim order and on the basis of allegations made in the writ petition we direct the respondents to ensure that ox-races scheduled to be held with effect from 28.1.2004 to 3.2.2004 in Rentachintala village, Guntur District will not take place. This order will remain in operation during pendency of writ petition".

Learned counsel for the petitioner reiterated the prayer made in the writ petition and submitted that the Court should issue a mandatory order requiring the official respondents to enforce the provisions of the Act effectively so that cruelty

to the animal is not perpetrated by anyone.

Learned Government Pleader for Home says that as and when any incident of cruelty is brought to the notice of the concerned authority of the Government, appropriate action is being taken and will be taken in future without fail.

Learned counsel representing the added respondent submits that his client, who is President of the Gram Panchayat, Rentachintala will not organize or allow organization of any race or game involving animals but the Court may grant liberty to the Gram Panchayat to organize cattle show where the owners of the healthy cattle can be rewarded for their efforts.

We have considered the respective submissions. In our opinion, the scheme of Chapter V of the Act imposes a duty on all public authorities to prevent cruelty to the animals. Therefore, it is the bounden duty of the concerned authorities of the State to take all measures necessary for preventing all types of cruelty to the animals.

To facilitate effective implementation of the provisions of Chapter V, we direct Principal Secretary (Home), Government of Andhra Pradesh to issue written instructions to all the district authorities i.e. Collectors, Revenue Divisional Officers, Mandal Revenue Officers and Superintendents of Police to ensure that the provisions of Sections 15, 21, 22 and 23 of the Act are enforced in letter and spirit and strict punitive action is taken against the violators.

In so far as Gram Panchayat, Rentachintala is concerned, it may approach the concerned district authority for grant of permission to organize cattle show and also make provision for rewarding the owners of healthy cattle. Such application may be granted by the concerned authority subject to the condition that the Gram Panchayat or any public authority shall not organize any race or any other game which may involve cruelty of any kind on the animals. The Gram Panchayat shall also ensure that for judging the health of the animals, no cruelty is inflicted upon the animals by putting weight etc. on any part of their body.

The writ petition is disposed of in the manner indicated above.

G.S. SINGHVI, CJ.

G. BHAVANI PRASAD, J.

February 1, 2006.

Mvb / svs

NOTE:

The Court Officer is directed to give an attested copy of this order to the learned Government Pleader so that the Principal Secretary (Home) may issue written instructions to the concerned authorities.

(B/O)

MVB